

REMARKS

By this Amendment, Applicant amends claims 1, 11, 17, 22, and 29 to more appropriately define the present invention and cancels claims 27 and 34 without prejudice or disclaimer of the subject matter thereof. Support for the claim amendments may be found at, for example, page 14 of Applicant's specification. Claims 1-26, 28-33, and 35 are pending in this application.

In the Final Office Action, the Examiner rejected claims 1-2, 5, 8, 10-11, 16-17, 21-22, 25, 28-29, 32, and 35 under 35 U.S.C. § 102(e) as anticipated by Angles et al. (U.S. Patent No. 5,933,811) and rejected claims 3-4, 7, 9, 12-14, 18-19, 23-24, 26-27, 30-31, and 33-34 under 35 U.S.C. § 103(a) as unpatentable over Angles. Applicant respectfully traverses the rejections for at least the following reasons.

The Examiner rejected claims 1-2, 5, 8, 10-11, 16-17, 21-22, 25, 28-29, 32, and 35 under 35 U.S.C. § 102(e) as anticipated by Angles. To properly anticipate Applicants' claimed invention, the Examiner must demonstrate the presence of each and every element of the claim in issue, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2121 (8th ed., Aug. 2001), quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (8th ed. 2001), p. 2100-69.

As amended, claim 1 recites, among other things, "identifying a location of the wireless device" and "sending the advertising messages to a registered wireless device

based upon the identified location." Angles does not disclose at least this feature of claim 1.

By contrast, Angles merely discloses that an advertisement provider obtains a consumer's member code from the consumer computer. Using the consumer member code, the advertisement provider may identify the consumer's demographic profile and preferences. The advertisement provider then selects an appropriate advertisement based on the consumer's profile. See col. 3, lines 54-61. That is, Angles merely discloses using consumer preferences and demographic information about the consumer. However, Angles does not disclose "identifying a location of the wireless device" and "sending the advertising messages to a registered wireless device based upon the identified location," as recited in claim 1.

Since Angles fails to teach each and every element of claim 1, Angles does not anticipate claim 1. Accordingly, Applicant requests that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 102(e) and allow the claim.

Applicant's claims 11, 17, 22, and 29 include recitations of a scope similar to that of claim 1. These claims are thus allowable for at least the same reason discussed above. Additionally, claims 2, 5, 8, 10, 16, 21, 25, 28, 32, and 35 depend upon claims 1, 11, 17, 22, and 29. As explained above, claims 1, 11, 17, 22, and 29 are allowable over Angles. Accordingly, claims 2, 5, 8, 10, 16, 21, 25, 28, 32, and 35 are also allowable at least because of their dependency from claim 1. Applicant therefore requests that the Examiner withdraw the rejection of claims 2, 5, 8, 10, 16, 21, 25, 28, 32, and 35 and allow the claims.

The Examiner rejected claims 3-4, 7, 9, 12-14, 18-19, 23-24, 26-27, 30-31, and 33-34 under 35 U.S.C. § 103(a) as unpatentable over Angles. Claims 3-4, 7, 9, 12-14, 18-19, 23-24, 26-27, 30-31, and 33-34 depend from one of allowable claims 1, 11, 17, 22, and 29. As discussed, Angles does not disclose or suggest, for example, "identifying a location of the wireless device" and "sending the advertising messages to a registered wireless device based upon the identified location," as recited in claim 1. While of a different scope, similar recitations are also included in claims 11, 17, 22, and 29. Accordingly, the Examiner should withdraw the rejection of 3-4, 7, 9, 12-14, 18-19, 23-24, 26-27, 30-31, and 33-34 under 35 U.S.C. § 103(a) as unpatentable over Angles.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By:



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